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RESPONSE UNDER
37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 2834

PATENT
2565-0225P

IN THE U.S. PATENT AND TRADEMARK OFFICE

~~Applicant:~~

Shusou WADAKA, et al.

Conf.: 9099

~~Appl. No.:~~

09/778,872

Group: 2834

~~Filed:~~

February 8, 2001

Examiner: Mark O'BUDD

~~For:~~

FILM ACOUSTIC WAVE DEVICE AND ITS MANUFACTURING
METHOD AND CIRCUIT DEVICE

NOTICE OF APPEAL FROM THE
PRIMARY EXAMINER TO THE BOARD OF APPEALS

Assistant Commissioner for Patents
Washington, DC 20231

January 9, 2003

Sir:

Applicants hereby appeal to the Board of Appeals from the decision dated October 9, 2002 of the Primary Examiner finally rejecting claims 24-40.

The enclosed document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.

The applicant(s) hereby petition(s) for an extension of () month(s) pursuant to 37 C.F.R. §§ 1.17 and 1.136(a).

The fee has been calculated as shown below:

NO extensions of time have been previously obtained for responding to the Final Rejection. Thus a fee of \$0.00 is required for the full period of the above-requested extension of time.

An extension of () month(s) for responding to the Final Rejection was previously requested and paid for on ___. Thus a fee of \$0.00 is required to obtain an additional () month(s) for filing the Notice of Appeal.

Applicant claims small entity status. See 37 C.F.R. § 1.27.

The Government fee for filing a Notice of Appeal to the Board of Appeals is calculated as follows:

Large entity - \$320.00
 Small Entity - \$160.00

Therefore, the TOTAL FEE due for the filing of this Notice of Appeal is \$320.00.

Payment of the above TOTAL FEE is being made in the following manner:

Check(s) in the amount of \$320.00 is/are enclosed.
 Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this sheet is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By _____
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MKM/CJB:cb
2565-0225P